

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

TITO REYES,

Plaintiff,

v.

MICHAEL BARONE, et al.,

Defendants.

Civil Action No. 08-72 Erie

MEMORANDUM ORDER

____ Plaintiff's civil rights complaint was received by the Clerk of Court on March 13, 2008 and was referred to Chief United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Chief Magistrate Judge's Report and Recommendation [28], filed on November 25, 2008, recommends that:

1. Defendant Maxa's Motion to Dismiss Plaintiff's Complaint, or in the alternative, Motion for a More Definite Statement [9] be granted; and
2. The Motion to Dismiss Complaint filed by Defendants Barone and Sobina [24] be granted.

The parties were allowed ten (10) days from the date of service in which to file objections. Service was made on Plaintiff by certified mail at SCI Forest, where he is incarcerated, and on the Defendants. No objections were filed. After de novo review of the complaint and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 12th day of January, 2009;

IT IS ORDERED that:

1. Defendant Maxa's Motion to Dismiss Plaintiff's Complaint [9-1] be, and hereby is, GRANTED; Defendant Maxa's Motion, in the Alternative, for a More Definite Statement [9-2] be, and hereby is, DENIED as moot; and

2. The Motion to Dismiss Complaint [24] filed by Defendants Barone and Sobina be, and hereby is, GRANTED.

The Report and Recommendation of Chief Magistrate Judge Baxter [28], dated November 25, 2008, is adopted as the opinion of this Court.

s/ SEAN J. McLAUGHLIN
Sean J. McLaughlin
United States District Judge

cc: all parties of record
Chief U.S. Magistrate Judge Baxter